

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MARCH 16, 2010

CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey and Executive Secretary Dunsmore were also in attendance.

Grant Monahan, Connie Vickery, Marc Carmichael, Mark Webb, C. Tooman, and Jeff McKean were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 2, 2010 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the March 16, 2010 meeting, with the exception of Permit #RR45-01676, moving to reject it. Motion seconded by Commissioner Sturtz to approve the PAD forms, but rejecting the one for Permit #RR45-01676, and it was unanimously approved.

RR71-18326 THE BREW PUB, LTD – Hearing Judge Dunsmore stated this permittee was cited for a compliance check, which is furnishing alcohol beverage to a minor and allowing a minor to loiter. The Prosecutor made an offer to the permittee to settle this matter; however, an agreement could not be reached, so a hearing was held. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Vice Chairman Johnson moved to uphold the Findings of the Hearing Judge, which requires the permittee to pay a \$500.00 fine for the violations. Motion seconded by Commissioner Guthrie and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, which includes the tabled applications, or applications for

changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

Five hundred sixty-three (563) renewals approved, sixty-eight (68) new and/or transfer permits approved, three (3) permits approved for catering, nine (9) permits approved for first year escrow, one (1) permit approved for second year escrow, two (2) permits approved for third year escrow, and two (2) permits approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RC71-06278 SOUTH BEND COUNTRY CLUB – Commissioner Guthrie noted this permittee requests this type 211-3 permit be converted to a type 209 permit.

Commissioner Guthrie moved to approve this conversion. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-97313 RISHIZ ENTERTAINMENT, INC. – Commissioner Guthrie noted this is a type 209 renewal with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie stated this permittee has continuously had food figures that do not qualify to hold this type of permit. The local board vote to deny was from the Excise officer who sits on the board. That vote was due to low food figures.

Commissioner Guthrie moved to reverse the local board and deny the renewal, because the permittee does not qualify to hold the permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR49-26421 FRANKLIN ROAD STEAKHOUSE INCORPORATED – Commissioner Guthrie noted this is a new type 112 application.

Commissioner Guthrie stated the local board forwarded this application to the Commission because the applicant failed to appear at three meetings, as required, and; therefore, felt the Commission should make the decision.

Commissioner Guthrie moved to deny this new application. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL41-26629 KOCOLINE MARKETING LLC – Commissioner Guthrie noted this is a new type 104 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR49-00417 SOUTH EAST STREET, LLC – Commissioner Guthrie noted this is a type 210 transfer of ownership and location with the local board voting three (3) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL34-26589, DL34-26590, DL34-26591, DL34-26592 WALGREEN CO – Commissioner Guthrie noted these are new type 208 applications with the local board voting two (2) to two (2).

Commissioner Guthrie stated the votes to deny were based on the local board members feeling that these new permits would have negative impact on the local businesses.

Commissioner Guthrie moved to approve the new permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR45-21557 ANGELA TAYLOR BIDDINGS – Commissioner Guthrie noted this is a type 210 renewal with the local board voting three (3) to zero (0) to disapprove.

Commissioner Guthrie moved to uphold the local board and deny the renewal. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

INACTIVE FILES – Vice Chairman Johnson moved to make eight (8) permits inactive. Seven (7) permits are not subject to auction and one permit is subject to auction. Motion seconded by Commissioner Guthrie and it was unanimously approved.

RR71-04503 GUMWOOD HP SHOPPING PARTNERS LLP - Commissioner Guthrie noted this permit was deactivated on 10-6-09. The permittee is requesting this permit be reactivated because they now have a buyer, who assures the Commission that they will be open and operating very quickly.

Commissioner Guthrie moved to reactivate this permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

2009 INDIANA STATE EXCISE ANNUAL REPORT – Superintendent Huskey stated the Excise annual report is completed and has been distributed to the Commission and is awaiting approval.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2010.

P. TOM SNOW, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER